

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

MAKSIM TSVETOVAT, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.: 1:12-cv-510 TSE/JFA
)	
SEGAN MASON & MASON, P.C.,)	
)	
Defendant.)	

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3), Plaintiffs Maksim Tsvetovat, Tatyana Tsvetovat and Christopher Lee Pritchard (“Plaintiffs”) on behalf and all others similarly situated, respectfully moves this Court for determination and an order certifying the following Classes of Plaintiffs:

1. Letter Class: All natural persons to whom on or after May 5, 2011 the Defendant mailed a letter on behalf of a Condominium or Homeowner's association, based on the Defendant's form letters attached Exhibit "1" and in which Defendant did make a demand for payment of attorneys fees that had not be awarded by a Court.

2. Memorandum of Lien Class: All natural persons to whom on or after May 5, 2011 the Defendant mailed a Memorandum of Lien on behalf of a Condominium or Homeowner's association, based on Defendant's form attached as Exhibit "2" in which Defendant listed a demand for payment of attorneys fees and costs that had not be awarded by a Court.

3. Future Interest Class: All natural persons to whom on or after May 5, 2011 the Defendant mailed a letter on behalf of a Condominium or Homeowner's association, similar to Exhibit "3" and in which Defendant did make a demand for payment of interest that had not yet accrued.

4. Payment Crediting Class: All natural persons to whom on or after May 5, 2011 the Defendant mailed a letter on behalf of a Condominium or Homeowner's association, similar to Exhibit "3" and in which Defendant calculated interest prior to crediting payments.

In support of this motion, the Plaintiffs state the following:

1. Plaintiffs filed this lawsuit as a class action pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 *et seq.* (“FDCPA”).

2. The policy and practice of the Defendant Segan, Mason and Mason, P.C. is or was to send or cause to be sent the letters in the form of those identified as Exhibits 1, 2 and 3 in the memorandum in support of this motion in an attempt to collect a debt that was incurred for a personal, family or household purpose.

3. All requirements of Rule 23 of the Federal Rules of Civil Procedure have been met.

4. For reasons stated in the accompanying Memorandum, the Plaintiffs satisfy the numerosity requirement in that Defendant sent hundreds, if not thousands of correspondences identified in Exhibits 1, 2 and 3 in the memorandum in support of this motion.

5. There are questions of law and fact common to the class, which common issues predominate over any issues affecting only individual class members. The factual issues common to the class members is whether or not they were sent correspondences in the form of Exhibits 1, 2 and 3 in the memorandum in support of this motion. The legal question is whether these form letters violate the FDCPA.

6. There are no individual issues other than identifying class members and the correspondences the Defendant sent to each class member, which should be easily accomplished by a review of the Defendant’s records. All of the debts involved are those incurred for personal, family or household purposes.

7. Plaintiffs' claims are typical of those of the class members. All are based on the same facts and legal theories.

8. Mr. Tsvetovat, Mrs. Tsvetovat and Mr. Pritchard will fairly and adequately protect the interests of the class. They have retained counsel experienced in handling actions involving unlawful practices under the FDCPA and class actions. Neither Plaintiffs or their counsel have any interests which might cause them not to vigorously pursue their action.

9. Pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure, a class action is a superior method of fair and efficient adjudication of this controversy in that the questions of law and fact common to the members of the class predominate over any questions affecting an individual member and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

10. These ground are further explained and detailed in the accompanying memorandum in support of this motion.

Respectfully submitted,

MAKSIM TSVETOVAT, TATYANA
TSVETOVAT, and CHRISTOPHER LEE
PRITCHARD, *on behalf of themselves and
all similarly situated individuals*

/s/

Leonard A. Bennett, Esq. (VSB #37523)
Susan M. Rotkis, Esq., (VSB #40693)
CONSUMER LITIGATION
ASSOCIATES, P.C.
763 J. Clyde Morris Boulevard, Suite 1-A
Newport News, Virginia 23601
(757) 930-3660 - Telephone
(757) 930-3662 – Facsimile
lenbennett@clalegal.com

srotkis@clalegal.com

Kristi Cahoon Kelly, Esq., (VSB #72791)
J. Chapman Petersen, Esq., (VSB #37255)
Scott A. Surovell, Esq., (VSB #40278)
Surovell Isaacs Petersen & Levy PLC
4010 University Dr., Suite 200
Fairfax, VA 22030
703-251-5400 - Telephone
703-591-9285 – Facsimile
Email: kkelly@sipfirm.com
Email: jpetersen@sipfirm.com
Email: ssurovell@sipfirm.com

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of September, 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

William D. Bayliss, Esquire (VSB No. 13741)
bbayliss@williamsmullen.com
Brendan D. O'Toole, Esquire (VSB No. 71329)
botoole@williamsmullen.com
Joseph R. Pope, Esq. (VSB No. 71371)
jpope@williamsmullen.com
WILLIAMS, MULLEN, CLARK & DOBBINS, P.C.
Williams Mullen Center
200 South 10th Street, PO Box 1320
Richmond, VA 23218-1320
Telephone: 804.420.6000
Facsimile: 804.420.6507

By: /s/
Kristi Cahoon Kelly, Esq., (VSB #72791)
Surovell Isaacs Petersen & Levy PLC
4010 University Dr., Suite 200
Fairfax, VA 22030
703-251-5400 - Telephone
703-591-9285 – Facsimile
Email: kkelly@sipfirm.com
Attorney for Plaintiffs